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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,893	08/06/2003	Lawrence Gerard Stopczynski	202-0734	1597

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EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,893

Applicant(s)STOPCZYNSKI, LAWRENCE
GERARD**Examiner**

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-17 is/are allowed.
6) ☒ Claim(s) 18 and 19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on October 14, 2004 has been entered. By this amendment, all claims are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regensburger et al (US 2002.0169537) in view of Weilkes et al (US 2003/0167113) and further in view of Frimberger et al (US 2003/0139866).

As per claim 18-19, Regensburger teaches a sensor for sensing a front and side of a vehicle including a plurality of beams associated with a frontal and side coverage area (fig.4; para 0025-0027); and a controller for activating the beams depending on the activation mode of the vehicle (para 0028-0030). Regensburger does not explicitly disclose activation of the signal and including far, near, wide, and narrow coverage for the sensor, and does not teach simultaneously operating a plurality of vehicle operational safety modes in response to the activation of the vehicle. However, Weilkes teaches activating the sensor depending on the activation of the vehicle (para 0007; 0031), further, since Frimberger teaches activating a plurality of vehicle operational safety modes (activating safety devices such as airbags, etc, and

cutting off fuel supply) independently (para 0037; 0044-0045), Frimberger obviously encompasses teaching simultaneously operating a plurality of vehicle operational safety mode in response to activation of the vehicle when the two modes are activated at the same timing. With respect to the far, near, etc. coverage areas, since Regensburger teaches that the coverages of the sensor is limited depending on the specific range and distance (para 0027), and since it would have been well known that the range and distance coverage of a sensor implies the far or near distance, and wide/narrow range, Regensburger's teaching obviously suggests the far, near, wide and narrow range. Furthermore, the far, near, wide and narrow range of sensors for used in specific application and specific detecting purpose would have been well known. Moreover, including components of a sensor in a housing would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to enclose all components for generating far, near, wide, and narrow range of light beams in a housing, and to use the activation detection of Weilkes in activating the sensor of Regensburger, and to includes activating safety modes simultaneously in order to facilitate controlling of the sensor depending on the activation of the vehicle and to enhance safety to the vehicle according to the received signals from the sensors.

Allowable Subject Matter

3. Claims 1-17 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Prior arts of record do not teach or suggest combined features disclosed in claims 1, 10 and 17. Specifically, prior arts of record do not disclose a method for controlling a sensor in an automotive vehicle in which a plurality of vehicle operational criteria associating with respective vehicle operational safety features are established; the sensor beam coverage area for each of the plurality of vehicle operational criteria or the plurality of vehicle operational safety features are accordingly determined; the sensor for scanning the beam coverage area are accordingly activated in accordance with the operating status that meets the vehicle operational criteria of the vehicle; the vehicle operational safety features are simultaneously operated.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

5. Applicant's arguments filed October 14, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on claim 18-19 (page 11), claim 18 does not claim any important features that make the combination of Weikes, Regensberger, and the newly cited reference of Frimberger improper. Specifically, claim 18 does not disclose determining the sensor beam coverage areas *for a plurality of vehicle operational criterion*. The activation of the

sensors disclosed in claim 18 depends on the activation of the vehicle, although Regensberger teaches activating the sensors for determining three dimensional environment from two dimensional distance information, the sensors are activated when the vehicle is operating (is activated), the teaching of Regensberger clearly meets the claimed activating the sensor depending on the activation of the vehicle. Newly added limitation that teach simultaneously operating a plurality of vehicle operational safety modes in response to activation of the vehicle also does not distinct from the combined teaching of Regensberger and Frimberger, since claim 18 does not disclose the relation between controlling the sensor beam coverage area with the act of simultaneously operating the operational safety modes, and the relation of the vehicle operational safety features with the vehicle operational criteria, lacking of the relationship, claim 18 fails to prevent the combination of Regensberger and Weilkes and Frimberger's teaching.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 22, 2004


THU V. NGUYEN
PRIMARY EXAMINER